

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 889 (M/B) 2003

1. Mahendra Singh S/o Sri Charan Singh, r/o Village and Post Kanwali, Distt. Dehradun		
2. Rekha w/o Mahendra Singh r/o Village and Post Kanwali, Distt. Dehradun.		Petitioners
	<u>Versus</u>	
State of Uttaranchal and Others		Respondents.
		
	With	

Criminal W.P. No. 907 (M/B) 2003

1. Charan Singh S/o Shri Mukhram,		
2. Smt. Bimla Devi w/o Shri Charan Singh, Both residents of Harchandpur, Police Station Nayal Distt. Bijnor (U.P.)		Petitioners
	Versus	
State of Uttaranchal, Through Secretary (Home), Dehradun and others.		Respondents
Mr. P.M.N.Singh, Advocate for the petitioners. Mr. A.Rab, Advocate for State.		

Coram: Hon. S.H.Kapadia, C.J.
Hon. Irshad Hussain, J.

Dated: 13.11.2003

PC:

Heard learned Advocate on both sides.

Both the above writ petitions deal with common question of facts and law. Therefore, they are disposed of by this common order.

Criminal Writ Petition no. 889 of 2003 (M/B) has been filed by Mr. Mahendra Singh and Rekha w/o Mahendra Singh to quash the First Information Report dated 06.09.2003 in Crime Case No. 1435 of 2003 lodged by respondent no. 4, father of Rekha U/Ss 363, 366, 504

and 506 I.P.C. at Police Station Kotwali Katdwar, Distt. Pauri Garhwal.

According to the First Information Report, it has been alleged that Mahendra Singh and his family members were neighbours of respondent no. 4. It has been alleged that on 05.09.2003 at about 6 p.m., Mahendra Singh, petitioner no. 1 alongwith others came to the house of respondent no.4 and forcibly took Rekha in the Car and ran away. Petitioners- Mahendra Singh and Rekha have denied the allegations mentioned in the First Information Report.

By our order dated 18.09.2003, we have directed the Special Judicial Magistrate, Nainital to record the statement of Rekha under section 164 of the Code of Criminal Procedure. That statement has now been placed before us in sealed cover. We have gone through the statement after opening the sealed cover. The Statement indicates that Rekha is not a minor. She has completed her Bachelor of Engineering and she had married out of her free will without any coercion.

In view of the aforesaid circumstances, we direct quashing of the investigation on the basis of the above First Information Report dated 06.09.2003 lodged in case Crime no. 1435 of 2003 in P.S. Kotwali Kotdwar, Distt. Pauri Garhwal. The quashing shall be against all persons named therein.

The house hold goods which are seized and lying in the Police Station, are directed to be returned forthwith.

Office is directed to return the statement to the Special Judicial Magistrate, Nainital, who in turn will forward the same to Chief Judicial Magistrate, Pauri Garhwal.

Both the petitions are disposed of accordingly.

(Irshad Hussain, J.) (S.H. Kapadia, C.J.)

AK:

